

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP,

and

TAIWAN SCOTT, on behalf of himself and all
other similarly situated persons,

Plaintiffs,

v.

HENRY D. MCMASTER, in his official
capacity as Governor of South Carolina;
THOMAS C. ALEXANDER, in his official
capacity as President of the Senate; LUKE A.
RANKIN, in his official capacity as Chairman
of the Senate Judiciary Committee; JAMES H.
LUCAS, in his official capacity as Speaker of
the House of Representatives; CHRIS
MURPHY, in his official capacity as Chairman
of the House of Representatives Judiciary
Committee; WALLACE H. JORDAN, in his
official capacity as Chairman of the House of
Representatives Elections Law Subcommittee;
HOWARD KNAPP, in his official capacity as
interim Executive Director of the South
Carolina State Election Commission; JOHN
WELLS, Chair, JOANNE DAY, CLIFFORD
J. EDLER, LINDA MCCALL, and SCOTT
MOSELEY, in their official capacities as
members of the South Carolina Election
Commission,

Defendants.

Civil Action No. 3:21-cv-03302-JMC-TJH-
RMG

**JOINT MOTION FOR ENTRY OF
CONFIDENTIALITY ORDER**

Plaintiffs, The South Carolina State Conference of the NAACP and Taiwan Scott, on behalf
of himself and all other similarly situated persons, and all Defendants above named, by and through
their undersigned counsel, jointly move this Court for entry of a Confidentiality Order.

CONSENT:

The attached proposed Confidentiality Order is requested by consent of all parties.

CONTENT:

The attached proposed Confidentiality Order is a modified version of the standard form on the Court's website and the modifications have been indicated by attaching a "redlined" copy of the document. An explanation of the basis for each proposed modification is as follows:

Paragraph 3 has been modified to remove the requirement in the Court's standard Order that an attorney must make a written certification concurrently with the production of documents. Requiring a separate certification for each production is not practical given the large volume of documents that will be produced in this case and the streamlined nature of this case. The Parties have, however, retained the requirement that a Party may only designate documents as Confidential after review of such documents by an attorney who has, in good faith, determined that they contain information that qualifies as Confidential.

Paragraph 4 has been modified to shorten the seven (7) business day timeframe to five (5) days due to the streamlined nature of this case.

Paragraph 5(a) has been modified to remove the language in the Court's standard Order regarding class members and class litigation as that language is inapplicable to this case.

Paragraph 5(b) has been added to impose certain limitations on the use of Confidential material.

Paragraph 5(c)(2) has been modified to remove the requirement in the Court's standard Order that an attorney must make a written certification when Confidential information is disclosed to an individual party or employee of a party. Requiring a separate certification each time Confidential information is disclosed to a party or employee of a party is not practical given the

large volume of personnel involved in this case and the streamlined nature of this case. The Parties have replaced the certification requirement with a good faith requirement.

Paragraph 5(d) has been modified to remove the requirement from the Court's standard Order that counsel shall maintain a record of persons who have reviewed or been given access to Confidential documents along with originals of the forms signed by those persons acknowledging their obligations under the Confidentiality Order. Such a requirement is not practical given the large volume of personnel involved in this case and the streamlined nature of this case.

Paragraph 5(e) has been modified to add language providing that the Parties may paraphrase or summarize material that is subject to the Confidentiality Order without including such a notation, as long as such paraphrasing is done in such a manner as to maintain the confidential nature of the material.

Paragraph 6(b) has been added to include language providing that Confidential documents and/or information may be offered as evidence at trial, subject to any restrictions the Court may order or apply to protect the Confidential information from unauthorized disclosure. Paragraph 6(b) also includes additional language regarding the offering of Confidential information at trial.

Paragraph 8(b) has been modified to shorten fifteen (15) day timeframe to (5) days due to the streamlined nature of this case.

Paragraph 8(d) has been added to include language regarding the retraction of a confidentiality designation.

WE SO MOVE

Respectfully submitted,

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